

Calais LNG

- Request for Board Jurisdiction



ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

459 ROUTE 774

WELSHPOOL, NEW BRUNSWICK ESE 1A4

P.O. BOX 129

LUBEC, MAINE 04652

TEL. (506) 752-2922 FAX (506) 752-6000

February 5, 2010

Commissioner David P. Littell  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

Re: City of Calais' encouragement that your Department retain jurisdiction of Calais LNG's applications rather than having the Board of Environmental Protection assume jurisdiction over Calais LNG's applications.

Dear Commissioner Littell:

On January 27, 2009, Calais LNG Project Company, LLC and Calais Pipeline Company, LLC (collectively, "Calais LNG") filed applications with the state of Maine to construct, own, and operate a liquefied natural gas receiving storage and vaporization terminal and pipeline in Calais, Maine. Specifically, Calais LNG filed applications for Site Location of Development, Natural Resources Protection Act, Wastewater Discharge, and Air Emissions permits and for Water Quality Certification with the Maine Department of Environmental Protection.

In a January 28, 2010 letter to you, the Calais City Council encouraged the Department of Environmental Protection (DEP) "... to accept and retain jurisdiction over the [Calais LNG] applications rather than having the applications be sent to the Board of Environmental Protection. We believe that the Department review of the applications is merited given, among other things, the very broad public support for the project here in Calais."

Please let me share a few thoughts on behalf of the Roosevelt Campobello International Park Commission (RCIPC).

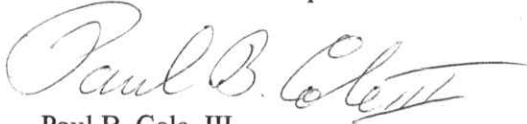
- The Park Commission was granted intervention in the Board of Environmental Protection's (BEP, Board) deliberations regarding Downeast LNG, and Commission staff attended several meetings and all of the BEP's hearing sessions.
- The Park Commission was also granted intervention in the Federal Energy Regulatory Commission's (FERC) Quoddy Bay LNG and Downeast LNG dockets, and closely followed submission's to FERC. (The Park Commission has also applied to intervene in FERC's Calais LNG docket.)
- As does Calais LNG, both Quoddy Bay LNG and Downeast LNG claimed broad public support for their LNG proposals. However, a sizeable opposition by those who might be adversely affected by the construction, operation, and servicing of LNG terminals in Washington County was in evidence at the Board's Downeast LNG public hearings and in comments and submissions made to FERC and available at FERC's website in both the Quoddy Bay and Downeast LNG dockets.
- Issues and questions raised at the BEP's Downeast LNG hearings resulted in additional research, information, and new questions - all pertinent to the decisions that would have been made by the Board if the hearing process had come to a conclusion.

- Although many of the issues identified and questions raised during the Board's hearings relating to Downeast LNG's applications are issues and questions that may also apply to Calais LNG, such is not necessarily the case. New issues and questions may apply.
- The Park Commission notes that prior to the BEP's Downeast LNG hearings being completed, Downeast withdrew its applications. Thus the process remains incomplete, with no final resolution nor decisions made by the Board; and, regardless of the what the outcome would have been, no opportunity for identification of remaining issues or questions nor for appeal by those in support or in opposition.

Because the Board's hearing relating to the possible siting of a first LNG terminal in Washington County did not come to an ultimate conclusion, because such a project would affect many more than just the residents of Calais, because the applications were withdrawn and therefore not all information may have been presented nor an opportunity given to question or support that information, the Roosevelt Campobello International Park Commission believes the potential siting of an LNG terminal in Washington County should receive the Board of Environmental Protection's full consideration. Thus, in the matter of Calais LNG's applications before the Department of Environmental Protection, the Park Commission urges the Department to follow the procedures and processes taken with Downeast LNG's applications before the State, those of requesting the Board to assume jurisdiction in the applications made to the Department by Calais LNG.

Sincerely,

For the Roosevelt Campobello International Park Commission,

A handwritten signature in cursive script, reading "Paul B. Cole, III". The signature is written in dark ink and is positioned above the printed name and title.

Paul B. Cole, III  
Superintendent  
Executive Secretary

## Hanson, Terry

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**From:** Littell, David P  
**Sent:** Tuesday, February 09, 2010 6:40 PM  
**To:** Blais Becky; Dusch, Jim E; Bertocci, Cynthia S; Hanson, Terry; Boutilier, Lynn A  
**Subject:** SPB & NN request BEP take jurisdiction of Calais LNG permitting

**Attachments:** SPB2BEP re CLNG Jurisdiction.pdf; ATT949160.htm



SPB2BEP re CLNG Jurisdiction.p...  
(518 B)



ATT949160.htm  
(518 B)

Here is a letter asking for BEP jurisdiction.

----- Original Message -----

From: Robert Godfrey <info@savepassamaquoddybay.org>  
To: Littell, David P  
Cc: Linda Godfrey <linda@atlanticleadershipcenter.com>; Vera Francis <schoodic@mac.com>;  
Ron Shems <rshems@shemsdunkiel.com>; Rebecca Boucher <rboucher@shemsdunkiel.com>  
Sent: Tue Feb 09 18:34:07 2010  
Subject: SPB & NN request BEP take jurisdiction of Calais LNG permitting

Commissioner David Littell  
Department of Environmental Protection  
17 State House Stn.  
Augusta ME 04333-0017

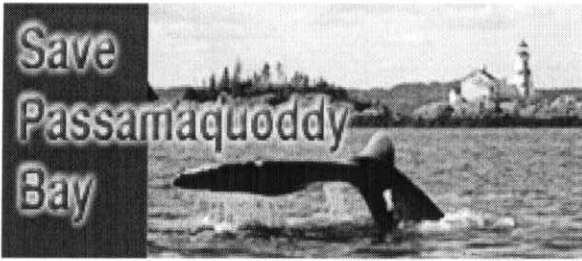
Dear Commissioner Littell:

Attached is a PDF file of a letter to you from Linda Godfrey of Save Passamaquoddy Bay and Vera Francis of Nulankeyutomonen Nkihtahkomikumon requesting the Board of Environmental Protection take jurisdiction of the Calais LNG state permitting process. The letter is also being sent to you by post.

Very truly,

Robert Godfrey  
researcher & webmaster

Save Passamaquoddy Bay 3-Nation Alliance (US • Passamaquoddy • Canada) PO Box 43 Eastport,  
ME 04631  
(207)853-4123  
(207)853-2922 (my office at Old Sow Publishing) [www.SavePassamaquoddyBay.org](http://www.SavePassamaquoddyBay.org)



**Save Passamaquoddy Bay**  
A 3-Nation Alliance  
(US • Passamaquoddy • Canada)

PO Box 43 • Eastport, ME 04631  
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[www.SavePassamaquoddyBay.org](http://www.SavePassamaquoddyBay.org)

Commissioner David Littell  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

2010 February 9

**Re: Calais LNG permit filing**

Dear Commissioner Littell and Hon. Members of the Board:

On 2010 January 27 Calais LNG filed applications with the Maine Department of Environmental Protection (DEP) for permits for Site Location of Development, Natural Resources Protection Act, wastewater discharge, air emissions, and water quality, as required to construct and operate a liquefied natural gas (LNG) terminal and take-away natural gas pipeline in the State of Maine.

We respectfully request that this matter be transferred to the BEP, or that the BEP assume jurisdiction of this matter pursuant to this request. DEP Rules, Chapter 1, §§ 17(A) & (B).

On 2010 January 28 the City of Calais wrote a request to the DEP asking the DEP to retain jurisdiction, rather than the Board of Environmental Protection (BEP).

The Calais LNG proposal is a matter properly suited for BEP jurisdiction because, among other reasons, it is a matter of substantial public interest. It has the potential to affect a broad geographic area or a natural resource of statewide significance, and has generated more than local interest. DEP Rules, Chap. 1, § 17(C)(4). It has the potential to affect the entire Passamaquoddy Bay area and other numerous resources of statewide significance, including the Bay, St. Croix Island International Historic Site, Roosevelt Campobello International Park, and untold marine and terrestrial natural features throughout Eastern Maine as well as local businesses that depend on these resources. It would affect a broad geographic area, including the terminal area and its exclusion zone, and the tanker route(s) safety and security zones, and three accompanying Hazard Zones reaching not only throughout the broad Passamaquoddy Bay area, but on Passamaquoddy

Tribal lands and in Canada. The issues raised by the proposal have been raised in various news sources around the state and beyond, including the Bangor Daily News, MaineBiz, Portland Press Herald, The Quoddy Tides, LNG Law Blog, The Canadian Press, Saint Croix Courier, CBC, LNGsafety Yahoo Group, Platts, Senator Susan Collins' newsletter, US Chamber of Commerce, and others. In sum, it is clear that the impacts are broad and far reaching. Indeed, the Calais LNG proposal is twice as big, with twice as many tanker transits, and would affect a greater area and have greater impact over more resources than the Downeast LNG proposal area, over which the BEP has already taken jurisdiction. The cumulative impact of both facilities is substantially greater.

This matter also involves several important policy issues including the health and welfare of the many Mainers residing on or near Passamaquoddy Bay, preservation of traditional Maine industries such as fishing, tourism, and other industries relying on potentially affected natural resources, and long-standing, traditional, critical, and recreational uses of Maine waters that would be displaced by tanker transits (and their security and Hazard zones). DEP Rules, Chap. 1, § 17(C)(2).

Addressing such complex and important issues will necessarily involve new examination and reexamination of Maine laws. DEP Rules, Chapter 1, § 17 (C)(1) & (3). These important policy issues necessarily were not addressed by previous LNG applications before the Board because prior applications were withdrawn prior to decision.

Since permitting for Calais LNG has generated great public interest, since the DEP has not previously ruled on any of the significant issues posed by LNG projects in Passamaquoddy Bay or the state, and since the permitting involves important policy questions, Save Passamaquoddy Bay and Nulankeyutomonen Nkihtahkomikumon request that the BEP take jurisdiction over this matter.

Very truly,

/s/\_Linda Cross Godfrey  
Coordinator  
Save Passamaquoddy Bay

/s/\_Vera Francis  
Coordinator  
Nulankeyutomonen Nkihtahkomikumon

## Hanson, Terry

---

**From:** Linda Godfrey [linda@atlanticleadershipcenter.com]  
**Sent:** Tuesday, March 02, 2010 2:06 AM  
**To:** Hanson, Terry; Littell, David P  
**Cc:** Governor; Bertocci, Cynthia S; Ron Shems; Rebecca Boucher  
**Subject:** Jurisdiction of Calais LNG Applications

Board of Environmental Protection  
c/o Terry Hanson  
17 State House Station  
Augusta, ME 04333-0017

David Littell  
Commissioner  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333-0017

**Re: Calais LNG Project Company, LLC & Calais Pipeline Company, LLC**

Dear Hon. Members of the Board and Commissioner Littell,

Save Passamaquoddy Bay reiterates our belief that the jurisdiction for the Calais LNG application should be through the Board of Environmental Protection.

Please refer to our previous letter to you on 2010 February 9. We note that Save Passamaquoddy Bay-US and Nulankeyutomonen Nkihtahkomikumon have numerous members. We also note that the number of letters is irrelevant to determining whether this is a matter of significant public interest -- the real facts cannot hide behind a letter-writing campaign.

As you are aware from your attendance during the Downeast LNG BEP hearing, LNG in Passamaquoddy Bay is of considerable public interest. Nothing in the last year has changed that fact, and the letters urging the DEP to retain jurisdiction point to no such facts. If anything, Calais LNG is even more in the public interest because it is twice the size of Downeast LNG, would be serviced by twice as many tankers taking a longer transit route affecting significantly more people, and affecting significantly more public resources including St. Croix island.

The public interest is only heightened when Calais LNG's impacts are added to those of Downeast LNG whose application remains active before FERC. Indeed, with or without Downeast LNG, the numerous tanker transits with their safety and security zones would effectively devote use of Passamaquoddy Bay to LNG. All of this would be at the expense of traditional and already existing uses of the Bay, including fishing, recreation, and the tourist trade. Such a dramatic and wholly opposite change to Passamaquoddy Bay's current serenity is surely of significant public interest.

In his letter to you, Representative David Burns stated, "Washington County leaders and residents are in full support of this initiative...." That is patently false. In fact, there are individuals on both sides of this issue making it one of great public interest, making BEP jurisdiction required.

The following groups and individuals are just some who have filed intervention materials, personal statements with the Federal Energy Regulatory Commission, with the Board of Environmental Protection, and/or the Bureau of Indian Affairs opposing LNG in Passamaquoddy Bay, or have made public statements opposing LNG in the bay, demonstrating great public interest in the issue.

Save Passamaquoddy Bay - US  
 Nulankeyutomonen Nkihtahkomikumon, Sipayik/Pleasant Point  
 Save Passamaquoddy Bay - Canada  
 Roosevelt Campobello International Park  
 Quoddy Land Trust  
 Conservation Law Foundation  
 Cobscook Community Learning Center  
 The Quoddy Tides newspaper, Eastport, ME  
 The Saint Croix Courier newspaper, St. Stephen, NB  
 Bayside Port Corporation, Bayside, NB  
 Province of New Brunswick  
 Government of Canada  
 Linda Godfrey, Eastport, ME  
 Robert Godfrey, Eastport, ME  
 Margaret McGarvey, Eastport, ME  
 Jonathan Sisson, Eastport, ME  
 Merrill C. Morris, Jr., Eastport, ME  
 Doug Beaver, Eastport, ME  
 Elizabeth Ostrander, Eastport, ME  
 Lynn Bowden, Eastport, ME  
 Phyllis Bradbury, Eastport, ME  
 Jon Bragdon, Eastport, ME  
 Vera Francis, Sipayik/Pleasant Point and St. Mary's Reserve, NB  
 David Moses Bridges, Sipayik/Pleasant Point  
 Mary Bassett, Sipayik/Pleasant Point  
 Hilda Lewis, Sipayik/Pleasant Point  
 Alice C. Tomah, Sipayik/Pleasant Point  
 Dr. Deanna Francis, Sipayik/Pleasant Point  
 Loraine Francis, Sipayik/Pleasant Point  
 Martin "Dute" Francis, Sipayik/Pleasant Point  
 Reginald Joseph Stanley, Sipayik/Pleasant Point  
 Madonna Soctomah, Sipayik/Pleasant Point  
 Gracie Davies, Sipayik/Pleasant Point  
 Fredda Paul, Sipayik/Pleasant Point  
 Maggie Paul, Sipayik/Pleasant Point, and Fredericton, NB  
 Nancy Asante, Perry, ME  
 Ron Rosenfeld, Perry, ME  
 Gary Guisinger, Perry, ME  
 John Cook, Perry, ME  
 Robb Cook, Perry, ME  
 Jane Cook, Perry, ME  
 Robert Costa, Perry, ME  
 Audrey Patterson, Perry, ME  
 Harry Shain, when Chairman of Cobscook Bay Fishermans Association, Perry, ME  
 Timothy Griffin, Pembroke, ME  
 Alan Furth, Trescott, ME



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 Alan Furth, Trescott, ME

Alan Brooks, Whiting, ME  
Dick Hoyt, Lubec, ME  
Lea Sullivan, Robbinston, ME  
Kathy Berry, Robbinston, ME  
Richard Berry, Robbinston, ME  
Suzanne Crawford, Robbinston, ME  
Paul Crawford, Robbinston, ME  
Tessa Ftorek, Robbinston, ME  
Kate Wright, Robbinston, ME  
Jeff Wright, Robbinston, ME  
Mark Wren, Robbinston, ME  
Arlene Wren, Robbinston, ME  
Melody Greene, Robbinston, ME  
Stephanie Bailey, Peter Dana Point, Indian Township  
Joyce Morrell, Campobello Island, NB  
Janice Meiners, Campobello Island, NB  
Gary Cook, Campobello Island, NB  
RADM Brian Flynn, Campobello Island, NB, and Millersville, MD  
Stan Lord, Deer Island, NB  
Chief Hugh Akagi, St. Croix Schoodic Band of Passamaquoddy, St. Andrews, NB  
Jessie Davies, Co-coordinator, Save Passamaquoddy Bay-Canada, St. Andrews, NB  
Dr. Lesley Pinder, Co-coordinator, Save Passamaquoddy Bay-Canada, St. Andrews, NB  
Janice Harvey, Waweig, NB  
Carl Sapers, St. Andrews, NB  
Mayor John Craig, St. Andrews, NB  
Larry Lack, St. Andrews, NB  
Lee Ann Ward, St. Andrews, NB  
David Welch, St. Andrews, NB  
Ruth Dunfield, St. Andrews, NB  
Arthur MacKay, Bocabec, NB  
Katherine Cassidy, Machias, ME  
Mark Dittrick, Stockton Spring, ME  
Vivian Newman, South Thomaston, ME  
Clifford Goudey, Newburyport, MA  
Win Rutledge, Gloucester, MA

We respectfully request that the DEP refer the Calais LNG applications to the BEP, or that the BEP assume jurisdiction over the applications.

Very truly,

/S/ Linda Cross Godfrey  
Save Passamaquoddy Bay Coordinator

cc: Governor John Baldacci  
Cynthia Bertacci, Executive Analyst  
Ron Shems, Esq.  
Rebecca Boucher, Esq.

Alan Brooks, Whiting, ME  
Dick Hoyt, Lubec, ME  
Lea Sullivan, Robbinston, ME  
Kathy Berry, Robbinston, ME  
Richard Berry, Robbinston, ME  
Suzanne Crawford, Robbinston, ME  
Paul Crawford, Robbinston, ME  
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Very truly,

/S/ Linda Cross Godfrey  
Save Passamaquoddy Bay Coordinator

cc: Governor John Baldacci  
Cynthia Bertacci, Executive Analyst  
Ron Shems, Esq.  
Rebecca Boucher, Esq.

3/2/2010